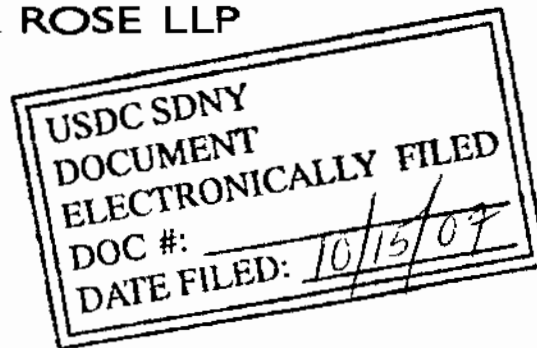


PROSKAUER ROSE LLP



1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

BOCA RATON
BOSTON
LONDON
LOS ANGELES
NEW ORLEANS
NEWARK
PARIS
SAO PAULO
WASHINGTON

Claire P. Gutekunst
Member of the Firm

Direct Dial 212.969.3421
cgutekunst@proskauer.com

October 12, 2007

By Facsimile (212.805.7941)

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1320
New York, New York 10007

Re: Belovic v. Doar, 07 Civ. 2876 (LAP)(KNF)

Dear Judge Preska:

I am co-counsel for plaintiffs in the referenced action. Following up on Janice Silverberg's letter to Your Honor dated September 27, 2007, I write on behalf of all counsel to provide an update on the parties' proposed scheduling for the pending class certification motion and Rule 26(f) Report.

In response to Your Honor's direction at the conference on September 13, 2007 that the parties attempt to agree upon discovery and a briefing schedule for the class certification motion, counsel met at length to try to reach an agreement on the scope of discovery concerning class certification. However, the parties were unable to agree.

① The parties have agreed to propose the following briefing schedule on the class certification motion. Defendants will serve their opposition to the class certification motion on or before November 9, 2007. Plaintiffs will submit their reply papers on or before December 7, 2007. However, there remains a dispute as to whether, after receiving defendants' opposition and before submitting a reply, plaintiffs would be entitled to request discovery related to class certification issues, if they believe it necessary at that time based on the nature and scope of defendants' opposition. Defendants anticipate opposing discovery at that juncture, which raises the possibility of a request for a sur-reply. We bring this issue to the Court's attention, as Your Honor may need to rule at that time on a request for class discovery by plaintiffs.

PROSKAUER ROSE LLP

Hon. Loretta A. Preska
October 12, 2007
Page 2

The parties respectfully request permission to file a revised Rule 26(f) report on October 15, 2007, setting forth the proposed schedule for the class certification motion and a schedule for discovery that may properly be requested under the Federal Rules by the named plaintiffs suing as individuals, to proceed while the class certification motion is pending.

2

Thank you for your consideration.

Respectfully,

Claire P. Gutekunst

Claire P. Gutekunst

cc (by e-mail):

Janice Casey Silverberg
Jane Tobey Momo
George Alvarez
Ivan Rubin
Jane Greengold Stevens

So ordered
Loretta A. Preska
USDJ
October 15, 2007